

REMARKS

In the Office Action dated October 31, 2007, claims 5-9 were rejected under 35 U.S.C. §102(b) as being anticipated by Goldhorn et al. This rejection is respectfully traversed for the following reasons. In the subject matter disclosed and claimed in the present application, a therapy apparatus is mounted on a carrier arm which is, in turn, mounted on a C-arm. In the embodiment shown in Figures 1 and 2, the C-arm is designated with reference numeral 3, and is movable in an orbital direction as indicated by the double arrow 6. The carrier is indicated by reference numeral 9 and, as can be seen in Figure 2, the carrier is pivotable relative to the C-arm so that the therapy apparatus (in this embodiment, a shockwave head 2) extends beyond the end 19 of the C-arm 3. This is also indicated by reference numeral 20, which shows the extent that the shockwave head 2 can extend beyond the end 19 of the C-arm 3.

Independent claim 5 has been amended to make clear that the rotation of the carrier arm is relative to the therapy C-arm, and is independent of the orbital movement of the C-arm, that also produces orbital movement of the carrier that is mounted to the C-arm. It is this rotation of the carrier arm relative to the C-arm, independent of the orbital movement, that allows the carrier arm, and the therapy apparatus carried thereby, to extend beyond each end of the C-arm.

As discussed in the present specification, this produces the significant advantage of allowing the therapy head 2 to assume the position shown in Figure 2, but without the C-arm having to be extended in length in order to achieve this result. If the C-arm were extended in length, this would significantly impede access to the

treatment region by a physician, and thus would be an unacceptable solution to allowing the therapy head to be moved to the position shown in Figure 2.

In substantiating the rejection of claims 5-8 as being anticipated by Goldhorn et al., the Examiner stated that the Goldhorn et al. reference discloses a carrier arm, to which the shockwave source 11 is mounted, that is mounted to the C-arm for rotation around a rotation axis allowing the carrier arm, when positioned at either opposite end of the C-arm, to extend beyond that respective end of the C-arm. The Examiner did not provide any specific citation to substantiate this contention, and Applicants are unable to find any such disclosure in the Goldhorn et al. reference.

The Examiner stated the Examiner is interpreting the “carrier arm” in the Goldhorn et al. reference as being the unnumbered component that can be seen in Figure 2 between the C-arm 14 and the shockwave source 11. Applicants do not dispute that this component can be considered a “carrier arm,” but this carrier arm in Goldhorn et al. is rigidly fixed to the end of the C-arm (actually, the end of the telescoping portion 14 of the C-arm), and cannot proceed any farther than the extreme position shown in Figure 2, which is at the end of the C-arm. The Examiner may possibly have been interpreting the indication represented by the double arrow “Y” as indicating that the carrier arm, and the shockwave source 11 attached thereto, could extend farther to the left in Figure 1, but this is not the case. The double arrow “Y” merely indicates that, if the telescoping portion 14 of the C-arm were positioned farther to the right of Figure 1, it would be possible for the telescoping portion 14 to move toward the left, until it reaches the extreme (limiting) position shown in the Figure 2.

Moreover, the only movement that the shockwave source 11 can execute relative to the unnumbered carrier arm, and thus the C-arm 14, in Goldhorn et al. is a radial displacement in the directions indicated by the double arrow u. There is no rotation capability that is disclosed anywhere in the Goldhorn et al. reference.

Applicants acknowledge that the position indicated in Figure 2 is not expressly stated in the Goldhorn et al. reference as being an “extreme” or “limiting” position, but the Goldhorn et al. reference is owned by the same Assignee (Siemens AG) as the present application, and Applicants and their representatives are thus completely knowledgeable with regard to the structure disclosed therein. Moreover, there is no disclosure or suggestion or description whatsoever anywhere in the lengthy Goldhorn et al. specification that describes any type of movement beyond the position shown in Figure 2. If the Goldhorn et al. system were capable of achieving a position beyond that shown in Figure 2, it is logical to assume that at least a passing mention of this possibility would be present in the Goldhorn et al. disclosure.

Moreover, Applicants submit that the description in the Goldhorn et al. specification beginning at column 15, line 34 and proceeding through line 65 would not be applicable if the carrier arm and the shockwave source 11 in Goldhorn et al. could be further rotated so as to extend beyond the position shown in Figure 2. This would mean that the aforementioned description in column 15 would apply only to a “special case” within the adjustment possibilities in Goldhorn et al., but this is nowhere stated to be the case in the Goldhorn et al. reference. A person of ordinary skill in the field of designing therapy systems, reading the aforementioned passage in Goldhorn et al., would assume that the statements therein are universally applicable to all possible adjustment positions of the Goldhorn et al. system, and this

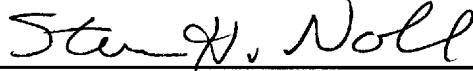
means that the carrier arm and the shockwave source 11 in Goldhorn et al. cannot be rotated beyond the position shown in Figure 2. Even if the Examiner disagrees with the above statements that the carrier arm and shockwave source 11 in Goldhorn et al. cannot move beyond the extreme position shown in Figure 2 of that reference, this would (allegedly) be accomplished in the Goldhorn et al. reference merely by the telescoping portion 14 of the C-arm moving farther to the left in Figure 2, and this would produce the very situation that the subject matter disclosed and claimed in the present application is intended to avoid, namely the C-arm extending so far into the treatment region as to represent an impediment to the work to be performed by the physician in the treatment region. Moreover, even if this movement (allegedly) occurs in Goldhorn et al., it does not represent a rotation *relative to* the C-arm, nor a rotation that is independent of the orbital movement of the C-arm and the carrier arm, but is instead a “rotation” that would occur *because of* the orbital movement of the telescoping portion 14 of the C-arm, which is precluded by the current claim language.

Claim 5 of the present application is therefore not anticipated by the Goldhorn et al. reference, nor are any of claims 6-9 depending therefrom.

All claims of the application are submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by,



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